

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Fermin LEDESMA,

Petitioner,

v.

Robert L. AYERS Jr., Warden of San Quentin  
State Prison,

Respondent.

Case Number 3-7-cv-2130 PJH

DEATH-PENALTY CASE

ORDER REGARDING REQUEST  
FOR APPOINTMENT OF COUNSEL  
AND STAY OF EXECUTION

[Docket No. 1]

Petitioner Fermin Ledesma, having been sentenced to death by the Superior Court of California for the County of Santa Clara, has filed a Request by Prisoner for Appointment of Counsel in California Death Sentence Case and for Stay of Execution of Death Sentence.

Pursuant to Habeas Local Rule 2254-25, the request for appointment of counsel is granted. This action is referred to the Court's Selection Board for the recommendation of qualified counsel to represent Petitioner in these proceedings.


Pursuant to Habeas Local Rule 2254-24(a), Petitioner is entitled to a stay of execution pending the final disposition of the proceedings in this Court. It appears from Petitioner's Declaration in Support of Request that the Supreme Court of California has entered a stay of execution of Petitioner's death sentence that remains in effect. This federal Court therefore will defer resolution of Petitioner's request for a stay of execution pending the disposition of the stay

1 entered by the State court. Should the stay entered by the Supreme Court of California be  
2 dissolved, this Court automatically shall grant Petitioner's request for a stay and automatically  
3 shall enter a stay of the execution of Petitioner's death sentence pending the final disposition of  
4 the proceedings in this Court. In the event that the stay entered by the Supreme Court of  
5 California is not dissolved prior to the final disposition of the proceedings in this Court,  
6 Petitioner's request for a stay of execution in this Court automatically shall be denied as moot  
7 upon the entrance of the judgment of this Court.

8 The Clerk immediately shall notify by telephone Respondent Robert L. Ayers Jr.,  
9 Warden of San Quentin State Prison, of this order. The Clerk also shall serve certified copies of  
10 this order upon Petitioner; Respondent; the clerk of the Superior Court of California for the  
11 County of Santa Clara; Michael G. Millman, Esq., Executive Director of the California  
12 Appellate Project; Moona Nandi, Esq., Deputy Attorney General of the State of California; and  
13 Dolores A. Carr, Esq., District Attorney of the County of Santa Clara.

14 *It is so ordered.*

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16  
17 DATED: 5/1/07

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19 \_\_\_\_\_  
20 PHYLLIS J. HAMILTON  
21 United States District Judge  
22  
23  
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Copies of Order mailed on \_\_\_\_\_ to:

Fermin Ledesma

CDC # C-14600

San Quentin State Prison

San Quentin, CA 94974

Robert L. Ayers Jr.

Warden

San Quentin State Prison

San Quentin, CA 94974

Clerk of the Superior Court of California for the County of Santa Clara

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Federal Court Docketing

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